CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date April 18, 2002 Time 4:00 p.m.

MEMBERS PRESENT	MEMBERS ABSENT
Chris Zaharis, Chair	Sue Kathe (excused)
Marty Whalen, Vice-Chair	
Dan Brock	
Mike Cowan	
Jerry Petrie	
Lynda Bailey	

OTHERS PRESENT

Frank Mizner	Bill Oliver	Ester Magier	Rich McAllister
Dorothy Chimel	Jennifer Urquhart	Michael Westover	Others
Leena Hernigle	Ralph Pew	Gary Stapley	
Ryan Heiland	Ed Soliz	Robert Haywood	
Lois Underdah	Jason Morris	Ross Farnsworth, Jr.	
Maria Salaiz	Tom Pielach	Veronica Gonzalez	

Chair Zaharis declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated April 18, 2002. Before adjournment at 5:30 p.m., action was taken on the following items:

It was moved by Boardmember Whalen, seconded by Boardmember Bailey that the minutes of the March 21, 2002 meeting be approved as submitted. The vote was 6-0.

Consent Agenda Items: All items identified with an asterisk (*) were approved with one Board motion.

It was moved by Boardmember Whalen, seconded by Boardmember Brock that the consent items be approved. Vote 6-0.

Zoning Cases: *Z01-29, Z02-02, *Z02-11, *Z02-12, *Z02-13, *Z02-14, *Z02-15, *Z02-16, Z02-17

MINUTES OF THE APRIL 18, 2002 PLANNING AND ZONING MEETING

Item: **Z01-29** Generally Power Road to Ellsworth Road and Pecos Road to Germann Road. Consideration of an Area Plan (2½ ± sections). Various, owners; City of Mesa, applicant. **CONTINUED FROM THE MAY 17, 2001, JUNE 21, 2001, JULY 19, 2001, DECEMBER 20, 2001, AND THE FEBRUARY 21, 2002 MEETINGS.**

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Whalen, seconded by Boardmember Brock

That: The Board recommend to the City Council approval of case Z01-29 conditioned upon:

1. Review and approval by the Planning and Zoning Board, Design Review Board, and City Council of all future development plans.
2 All future development to be restricted as documented in the letters from Circle G Development – T. Dennis Barney (March 29, 2002), Trio Forest Products – Jerry Lilly (March 27, 2002), and Aircom Industrial Park – Ralph Pew (April 3, 2002).
3 All future development shall be consistent with land uses designated in the adopted Mesa General Plan.
4. All future development in this area shall be subject to the following general conditions, to be considered during the actual rezoning process:
   a) Minimum development area of ten (10) acres.
   b) Submittal for review of CC&R's to address various issues, including land uses, property maintenance, landscaping, etc.
   c) Submittal of detailed site plan, landscape plan and building elevations in accordance with the Mesa Zoning Ordinance.
   d) Submittal of project design guidelines, if necessary.
   e) Provision for all required infrastructure (including, but not necessarily limited to, street, water, sewer, fire protection, solid waste and fire protection).
   f) Compliance with all requirements of the Mesa Zoning Ordinance.

Vote: Passed 6-0

Reason for Recommendation: The Board agreed that based on the stipulations set forth and the concurrence of property owners this is a good plan for this area.

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MINUTES OF THE APRIL 18, 2002 PLANNING AND ZONING MEETING

Item: **Z02-02** 6500 to 6600 block of E. Baseline Road (north side). Modification of the Superstition Springs Development Master Plan, deletion of the Bonus Intensity Zone and deletion of the Council Use Permit; rezone to C-2-PAD-DMP and Site Plan Modification (5.7 acres). This case involves development of office condominiums. U.P. Mesa, Inc., owner/applicant; represented by: William Oliver. Also consider the preliminary plat. **CONTINUED FROM THE JANUARY 17, 2002, FEBRUARY 21, 2002 AND THE MARCH 21, 2002 MEETING**.

Comments: William Oliver, applicant, gave an overview of the proposal. He stated that he has been working with Planning staff to attempt to limit the uses proposed on the site under the existing C-2 district. Mr. Oliver said that they were not requesting a zone change but requesting a site plan amendment. The project is designed with the office building surrounding the project and the restaurant site would be adjacent to the frontage location on Baseline. He stated all the buildings are now single-story and they have reduced the density from approximately 80,000 sq.ft. of general office to 57-58,000 sq.ft. of office which is consistent with the General Plan of mixed use.

Mr. Oliver stated that staff has recommended denial of this project and he had concerns as to why there is only one use that staff is proposing, which is a hotel. He added that they do not see anytime in the near future or even in the distant future that a hotel would be a profitable venture on this particular project. "The community has been in support of changing the use and there have been no complaints. Our plan was applauded by most of the attendees for our citizen participation meetings and we feel confident that it would be a successful development for this particular area." Mr. Oliver introduced Bob Haywood of a real estate development and advisory firm to speak about hotels and specifically a hotel on this site.

Bob Haywood, representing the applicant, stated that he had been asked by United Properties for an analysis on whether or not the proposed project could achieve the rates and occupancies that would be necessary to support the anticipated development cost for this project. He said it is his opinion, based on his knowledge of the market, that this property would be competing as a resort in the market place. The property given the current state of the market and the anticipated future state of the market would not be feasible. He said Mesa is not known as a resort destination. It doesn't really have the cachet relative to Scottsdale and some of the other resort locations in metropolitan Phoenix. Finally, a project like this, given market conditions and given location attributes would be very difficult, if not impossible to get financed.

Boardmember Brock asked Mr. Haywood to explain his statement about how the property could not be developed without substantial City assistance.

Mr. Haywood explained that in order for property like this to be developed it would need to get funded outside of the equity and debt requirement of what the owners would be able to bring in.

Mr. Oliver commented on concerns which the Planning staff has placed on the site of the restaurant. He agreed that the restaurant would be subject to Design Review Board approval and site plan approval of just the restaurant, once identified.

Frank Mizner, Planning Director, gave an overview of the project. He said that if we give up this hotel site, we're giving up on a hotel in the Superstition Springs area. If we change this site plan and give up on the hotel and go with the one-story condo-type office development, we won't have that opportunity for the hotel in the future. Mr. Mizner stated that the applicant has addressed some technical staff concerns as mentioned in the previous staff report, and it is important to note that this restaurant does not have Baseline frontage. There is an intervening

parcel and we don't know whether that would be another restaurant, a retail building, or an office building. What we do know is that it will probably block the visibility of that restaurant site, so it is hard to see how a site like that without arterial street frontage would be successful.

Mr. Mizner did say that from a land use point of view the office development works. It meets our parking code requirements, it meets our Design Guidelines but our feeling is that it doesn't meet the overall vision of the Superstition Springs area. It is consistent with the General Plan but it doesn't meet the long range vision for southeast Mesa. For those reasons, staff is recommending denial of this case. Mr. Mizner stated that staff's primary concerns have to do with the long range vision for this property.

Boardmember Petrie asked Mr. Mizner for examples of when the City has held off on allowing someone to sell their property for better long range prospects.

Mr. Mizner commented that there have been proposals in the Fiesta quadrant area. He gave another example of an area planned for industrial development which was held by a property owner for upwards of 20 years, and then the City had a proposal to change the General Plan and modify the zoning for residential. The result was it changed to residential and the City lost the opportunity to have 160 acres near a freeway interchange zoned industrial. The challenge is to stick with the long-range plan.

Boardmember Brock stated he attended the Planning & Zoning hearing when that industrial land was rezoned to residential. The consequence was that years later a car dealership wanted to go in that area and the City lost the opportunity to have a very viable business that could have and should have been zoned for industrial. Boardmember Brock also said he was on the Design Review Board when additional commercial projects were brought into the Fiesta quadrant area and that was also rezoned. He felt that single-story condo office buildings are not the right land use and that this parcel of land needs to have more intensity.

Boardmember Brock also stated that if this proposal were to come to us as an office project and already zoned for office buildings he could support it. He agreed with staff that this project came to us as a hotel and acknowledged that economic conditions change. Boardmember Brock felt that the issue is a land use issue and not a design issue and he could not support the condo office building particularly at this low intensity.

Boardmember Whalen stated that this case had a plan four years ago and it was a good plan, with the integrated hotel and residential facilities abutting the golf course. He stated it made good sense to him then and he still thinks it's a good plan. Mr. Whalen moved to go along with staff position and deny this case.

Mr. Haywood commented that it was not their position to say that a hotel could never be feasible on this site but that it would depend on the type of hotel. He also stated that Mesa did not need any more limited service hotels and what Mesa is looking for is an upscale full service convention oriented type hotel.

Chairman Zaharis stated that he was on the Board, four years ago, when they first heard this case. He said that, granted the Convention and Visitors Bureau Center did want a resort hotel, this was also a rezoning case and that's what they were told it was going to be. The owners were convinced at the time that it could work and might be feasible. With Mesa eventually being 650,000 people in the not to distant future he believed that there will be some momentum and some demand for this site to eventually work. He agreed with staff on their position.

It was moved by Boardmember Whalen seconded by Boardmember Brock.

That: The Board deny zoning case Z02-02.

Vote: Passed 6-0.

Reason for Recommendation: The Board agreed with staff's position in keeping with the long range vision for this area.

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MINUTES OF THE APRIL 18, 2002 PLANNING AND ZONING MEETING

Item: **Z02-11** 4707 E. McKellips Road. Site Plan Review (2.1 ac). This case involves the development of a pub. City of Mesa, owner; John C. Manross, applicant.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Whalen seconded by Boardmember Brock

That: The Board recommend to the City Council approval of zoning case Z02-11 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Recordation of vehicular cross-access and reciprocal parking easements between the subject lease property and the property located immediately to the north of the subject property.
7. Compliance with all requirements of the Design Review Board.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance outlined in the staff report.
9. Submittal of a parking study with the formal submittal to the Board of Adjustment for the request of a variance for off-site parking.
10. Compliance with a memorandum dated March 25, 2002 from Mark Meyers to Frank Mizner, which is included in the zoning case file.
11. Noise attenuation measures be incorporated into the design and construction of the buildings to achieve a noise level reduction of 25 db.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0

Reason for Recommendation: The Board felt this proposal would be a good asset for the City of Mesa as well as its residents

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MINUTES OF THE APRIL 18, 2002 PLANNING AND ZONING MEETING

Item: **Z02-12** The 10200 block of E. University Drive (south side). Rezone from R1-43 to R1-7 PAD (11.4 ac). This case involves the development of a residential subdivision. Edward Soliz, owner/applicant. Consider the preliminary plat of "Haciendas del Este".

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Whalen seconded by Boardmember Brock

That: The Board approve the preliminary plat of "Hacienda del Este" and recommend to the City Council approval of zoning case Z02-12 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield) except as noted below.
2. Compliance with the Residential Development Guidelines including view fences adjacent to open spaces, recreation areas and retention.
3. Any production homes proposed in this subdivision must be submitted for administrative review and approval from the Planning Director. This includes product that will fit on lots 17-38 without the need for any additional variances.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
7. All street improvements and perimeter landscaping to be installed in the first phase of construction.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
10. Compliance with the letter dated October 24, 2001 from Darren V. Gerard, AICP to David J. Buchli regarding an Affidavit of Correction for Mesquite Trails, which is included in the zoning case file.
11. Compliance with the letter dated April 3, 2002 from Edward R. Soliz to Frank Mizner, which is included in the zoning case file.
12. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
13. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
14. Extinguishment of the Highway Easement prior to issuance of a building permit.

Vote: Passed 6-0

Reason for Recommendation: The Board felt this proposal was compatible with the surrounding subdivisions.

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MINUTES OF THE APRIL 18, 2002 PLANNING AND ZONING MEETING

Item: **Z02-13** The southeast corner of Val Vista Road and McKellips Road. Rezone from R1-35 to O-S (1.15 ac). This case involves the development of an office building. Mike Saager, owner; Greg Hitchens, applicant.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Whalen seconded by Boardmember Brock

That: The Board continue zoning case to the June 20, 2002 meeting.

Vote: Passed 6-0.

Reason for Recommendation: The Board felt this continuance was warranted.

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MINUTES OF THE APRIL 18, 2002 PLANNING AND ZONING MEETING

Item: **Z02-14** The northeast corner of Greenfield Road and Inverness Avenue. Site Plan Modification (6.9 ac). This case involves the development of two shops and one pad site in a retail center. Dan Reeb, Owner; Tim Dollander, applicant.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Whalen seconded by Boardmember Brock

That: The Board recommend to the City Council approval of zoning case Z02-14 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Compliance with all requirements of the Design Review Board.
9. All pad buildings to be architecturally compatible with the center.
10. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
11. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0.

Reason for Recommendation: The Board felt this proposal is a good use for this area.

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MINUTES OF THE APRIL 18, 2002 PLANNING AND ZONING MEETING

Item: **Z02-15** The southwest corner of Southern Avenue and Greenfield Road. Rezone from AG to C-2 (5.3 ac). This case involves the development of a pharmacy. Gustine Company, owner; Jason Morris, applicant.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Whalen seconded by Boardmember Brock

That: The Board recommend to the City Council approval of zoning case Z02-15 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines.
3. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit+, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
7. All street improvements and perimeter landscaping to be installed in the first phase of construction.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Compliance with all requirements of the Design Review Board.
10. Review and approval of a Special Use Permit by the Board of Adjustment for comprehensive sign plan.
11. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0.

Reason for Recommendation: The Board felt this proposal was appropriate given the surrounding commercial developments.

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MINUTES OF THE APRIL 18, 2002 PLANNING AND ZONING MEETING

Item: **Z02-16** The 4300 block of E. Brown Road (north side). Site Plan Modification (1.1 ac). This case involves the development of two office buildings. David Gillette, owner; Robert Karber, applicant.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Whalen seconded by Boardmember Brock

That: The Board continue zoning case Z02-16 to the May 16, 2002 meeting.

Vote: Passed 6-0.

Reason for Recommendation: The Board felt this continuance was warranted.

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MINUTES OF THE APRIL 18, 2002 PLANNING AND ZONING MEETING

Item: **Z02-17** The 3000 to 3100 block of S. Hawes Road (east side). Rezone from R1-43 to R-2 PAD (11.2 ac). This case involves the development of a residential subdivision. Marlene Reiswig and Hossein Sattari, owner; Ross Farnsworth Jr., applicant; represented by: Gary Stapley. Consider the preliminary plat of "Village at Hawes".

Comments: Gary Stapley, applicant, stated he wanted to discuss an amendment to Condition #9 that staff has suggested. It refers to Lots 12-24 abutting the Eastridge subdivision limiting that to single story homes. He stated he had sent a letter and thought staff had agreed to their ability to built a two-story model where there might be a two-story model already in existence or in the future of the Eastridge subdivision. He asked the Board to reconsider Condition #9.

He also wanted the Board to understand that they have a product that they've designed with some purpose in mind; to meet the Design Guidelines, the Residential Guidelines, as well as the General Plan and their product range from 1,215 sq.ft to 1,864 sq.ft per model. He thought that in itself without getting into dollars and how much per square foot a home is worth, which has been the biggest opposition of most of the neighbors in the area.

Ester Magier, property owner, stated she is definitely opposed to this proposal. She expressed her concerns about traffic in the area and stated that building duplexes on 11 acres would be really tight. She felt there are other parts of Mesa that could handle this proposal better.

Michael Westover, property owner, stated this project will greatly affect the property values of the homes adjacent to this proposal. Mr. Westover stated he is very opposed to this proposal. He also commented that with the way the homes are planned right now there will be three families sharing his backyard fence.

Tom Pielach, property owner, stated they have many concerns and have met with the applicant. He stated the applicant had changed the drawings and other things on the site plan. He expressed his concerns regarding lot lines, setbacks and the width of the streets.
Mr. Pielach stated that many of the residents filled out a petition, which was sent to the Board, and encouraged the Board to deny this request and consider an R1-6, which is what the zoning is for the surrounding properties.

Frank Mizner, Planning Director, clarified Mr. Stapley's request on Condition #9. He stated Mr. Stapley submitted a letter suggesting that the models be restricted to one-story units and that they be allowed to build two-story units adjacent to two-story units in Eastridge. The problem is that the property lines don't match up. The homes to the east, in the Eastridge development, are only partially built. We don't know whether two-story homes or one-story homes are going to go in those vacant lots, so for those reason we included Condition #9, which will restrict all the homes along the east property line to a one-story height limit.

Mr. Mizner stated staff is recommending approval of this rezoning request. It's consistent with the General Plan. This is an area which is designated for Medium High Density Residential, 5-15 units per acres. That was adopted in the 1996 General Plan and was done so intentionally because of the proximity to the planned San Tan Freeway. He mentioned when Eastridge came along it was below that density range and the argument made at the time by the developer was that these out parcels would be appropriate for higher density in the future. That was the rational presented to staff, the P&Z Board and City Council as to why Eastridge was approved when it was below the General Plan designation.

Mr. Mizner stated that many neighborhoods in Mesa have a variety of housing types, from apartments to large lot homes, including twin homes, condominiums and everything in between. Mr. Mizner stated that Mesa has been criticized for having too much of the same type of housing and not having that variety. A variety of housing types not only provide for more economic variety and diversity in the community, but it provides housing opportunities for people that can't afford large single family homes. Mr. Mizner stated that this project was originally planned for 68 units but was being presented to the Board with 66 units because of a modification made at the northwest corner of the site in order to align the street. Mr. Mizner said it was important to note that the homes in Eastridge may be 40' from the property line but they were approved with a much smaller setback. Patios are actually allowed within 10' of the rear setback. The same or less than what the applicant is proposing on this case.

Mr. Mizner stated that traffic conditions in this area have changed over the years, but Hawes Road, Guadalupe Road and Elliot Road are all planned as major arterials. The traffic generated from this development will not cause a significant degradation of traffic conditions at any of the existing interchanges, so traffic conditions will not be negatively impacted. We've also referred this case to the Gilbert School District, they've expressed no concern about this development. Staff is recommending approval with the conditions outlined and recommends the retention of Condition #9 as currently worded.

Chair Zaharis asked Mr. Mizner to clarify the condition that the applicant raised regarding lots 12-24. Mr. Mizner responded that the lots on the east property line do not match up, that is why staff suggested restricting all of those to one story rather than two-story abutting two-story,

Boardmember Bailey asked Mr. Mizner if this development will have CC&R's. Mr. Mizner responded Yes. There will be a Homeowners Association to maintain the private recreation amenities and open space and they'll be CC&R's governing the various aspect of this development.

Boardmember Bailey stated she is in support of this project. She believes in mixed uses and it was her opinion that this type of project will not necessarily take down property values. She also stated she is in support of the new wording of Condition #9.

Vice Chair Whalen asked Mr. Mizner to address the guest parking issue. Mr. Mizner replied that each of these units would have garage space as well as driveway space. These are public streets so property owners would be allowed to park on the streets but if there are violations they would be addressed by the Police Department.

Vice Chair Whalen asked if 6-8 parking spaces were adequate near the community center, to which Mr. Mizner responded Yes.

Chair Zaharis asked if there could be public streets in a PAD. Mr. Mizner responded Yes, and stated that a PAD does not require private streets but is an option.

Vice Chair Whalen stated his concern regarding the issue of who gets to build two-story houses. We are saying to this applicant he can only build single story, but we're not saying to Eastridge that they cannot build any two-story. He emphasized that perhaps it could be done by some sort of a letter or technical review.

Mr. Mizner stated that Eastridge had no such restrictions and we didn't know how those lots would be developed. There were no neighbors when that subdivision got approved, so that didn't become an issue and he did not think we could restrict Eastridge through this zoning

case.

Vice Chair Whalen stated that although we can't touch Eastridge there has to be some way to allow this developer to make use of the property – put a two story in if it's not going to infringe on somebody else.

Mr. Mizner pointed out that there are a variety of floor plans, maybe 50-50 between the one story and two story, and he reminded Mr. Whalen that staff was trying to be responsive to the neighbors concerns.

Boardmember Brock stated one of the issues that came up during the Design Guideline process was how to treat the transition from one subdivision to another without infringing on the privacy of one subdivision. He added that though the Residential Guidelines have not been revised, single level homes would only be allowed next to other single level homes from one subdivision to another.

Boardmember Brock asked the applicant if restricting the houses adjacent to Eastridge to single level would be a problem.

Mr. Stapley responded that they could live with that. He added that they had assured the neighbors in a couple of meetings that they would not build two-story adjacent to them. Mr. Stapley explained that most of the neighbors concerns dealt with price value and that their property values would decrease because of the applicant's proposal. He further explained that their two-story home is 1,864 sq.ft., which is the biggest. He mentioned that they only have one single story model, which means there will be 10-12 lots of single story models and they will probably have to start from scratch and design another one because there can't be two of the same model next to each other.

Boardmember Brock asked if the petition constituted a legal protest. Mr. Mizner responded Yes, adding that it doesn't change the Board's vote or deliberations. He noted staff would analyze it further before it goes to City Council because it does look as though it meets the 20% requirement on the east side.

Boardmember Brock asked if the applicant could have proposed 13, 14, or even 15 units per acre rather than the 9 units per acre. The project is on an arterial street, it back ups against the church on one side, the transmission line on the other, even though there are houses on the east.

Mr. Mizner responded that it would have presented some design challenges to present a project with that kind of density range and that would be compatible with the neighbors, but it would be supported by the General Plan and is on a major arterial that'll have an interchange with the freeway in the future.

Boardmember Brock stated his opinion that this is a relatively small project and it basically turns its back on the residential development to the east. Turning its back in the sense that there is no pedestrian link, no vehicle link between the development to the east, its' only access to any public street is on a major arterial street, Hawes Road and because of that it can support a higher density. He added that he considered the project to be pretty well designed, it has decent amenities, the units are nice, there's a variety of sizes and square footage, they appear to be attractive, there are reasonable CC&R's he and stated he would support the project. Regarding concerns of the neighbors, Boardmember Brock noted that traffic would probably not adversely affect their neighborhood as it faces an arterial street that would be able to handle

this much traffic.

Boardmember Brock clarified that the building setbacks are 20' and current Code allows patios to encroach within that setback.

Boardmember Bailey asked the applicant to provide price ranges for the units. Mr. Stapley responded that in the surrounding three-mile radius, homes are anywhere from $85 - $105 dollars a square foot, so multiple it times the square footage you have, plus the amenities package.

Mr. Pielach asked the Board to consider the fact that someone is going to have a house 5' from their rear property line. He asked each one to look at their property and see how they would like to have a house 5' from the property line.

Chair Zaharis asked Mr. Mizner to address the setback issue. Mr. Mizner stated he would be glad to visit with Mr. Pielach after the meeting and added that it is a 20' setback to the building. As Mr. Brock pointed out the patio could be within 15' but not livable area. Chair Zaharis stated according to the engineering drawing the setback from the Eastridge property line is at least 20' as proposed. This property is in the General Plan for Medium High Density which is 6-15 units per acre, so if the applicant were to come in at 4 or 5 it probably wouldn't get passed. First of all, it would have to go through the General Plan amendment process, which is very difficult and when a property is adjacent to major arterials we typically try to load higher density for those kinds of amenities. I would hope that the applicant would look at where there is an opportunity to maybe address a few guest parking spaces along the eastern part.

Chair Zaharis suggested to provide a better transition to lots along the eastern boundary, which are kind of in the 95 to 90 foot depth range and some of the others that are more center loaded, which are in the 100+ foot depth range. He stated he would prefer to see, if possible, a few more feet added to lots adjacent to Eastridge and then the lots which are internal be compressed a little to provide that extra setback. He again noted that this was not part of the current motion but stated those were some things that jumped out to him.

Boardmember Brock asked Mr Mizner if 34' is the normal width of a street in a regular subdivision, and if that allows parking on both sides of the street and is it big enough to accommodate a fire truck or sanitation vehicle, Mr. Mizner responded that it would. Boardmember Brock also stated he liked Chair Zaharis' idea of compressing and putting 2 or 3 more feet to the lots.

Chair Zaharis stated that as the applicant continues to work with the legal protest, maybe that's a compromise that might be able to be worked out to help garner some support.

Vice Chair Whalen stated to the developer that he concurs with Chair Zaharis thoughts, both on the compression of the lots and the parking. He asked the Secretary to include his remarks as a concurring opinion. He suggested as one member of this Board to the City Council that the developer is able to demonstrate to the satisfaction of the Council which of the adjoining lots are going to be single story and which are going to be two-story. Vice Chair Whalen stated he is going to support this case.

MINUTES OF THE APRIL 18, 2002 PLANNING AND ZONING MEETING

It was moved by Boardmember Brock seconded by Boardmember Petrie

That: The Board approve the preliminary plat of “Village at Hawes” and recommend to the City Council approval of zoning case Z02-17conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines except as modified herewith.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Full compliance with all current Code requirements except as outlined in the staff report.
9. Lots 12-24 abutting Eastridge subdivision lots shall have one-story building product.
10. Compliance with letter dated April 9, 2002 from Gary Stapley to Frank Mizner, which is included in the zoning case file.
11. Compliance with letter dated April 2, 2002 from Casey Denny to Jo Ferguson, which is included in the zoning case file.
12. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
13. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of future San Tan Freeway right-of-way.
14. Written notice be provided to future residents, and acknowledgment received that the project is within three miles of Williams Gateway Airport.
15. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
16. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
17. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0

Reason for Recommendation: The Board felt this proposal was well designed and consistant with the General Plan.

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Respectfully submitted,

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Frank Mizner, Secretary
Planning Director

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